

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CA 04-CV-12033-PBS

DEC 20 10 14 23

CHARLES RAMPINO,  
PETITIONER,  
DISTRICT COURT  
DISTRICT OF MASS

V.

BERNARD BRADY,  
RESPONDENT.

MOTION OPPOSING ANY FURTHER  
ENLARGEMENT'S OF TIME TO  
FILE AN ANSWER

Now comes the Petitioner in the above-entitled action and moves this Honorable Court not to allow any further enlargement's of time to the Respondent to file his answer to the Petitioner's Writ of Habeas Corpus that was filed on 9-21-04. The Petitioner further moves this Honorable Court to order the respondent to answer each and every allegation that the Petitioner has set forth in his Petition for writ of Habeas corpus.

In support thereof, the Petitioner states the the Respondent has requested and received (2) enlargement's of time to file an answer. Furthermore, in regards to answering 'each and every allegation of the Petitioner's Writ of Habeas Corpus, Rule 5 of the rules that govern Federal Habeas Corpus Actions require the Respondent to answer each and every allegation that the Petitioner has set forth in his petition. Rule 5 states "The answer shall respond to the allegations of the petition." See also Chavez v. Morgan, 932 F.Supp.1152 E.D.Wis.1996; (Motion to dismiss is generally not appropriate pleading

in response to petition for writ of habeas corpus but, appropriate response is "answer" which responds to each allegation contained in petition and which attaches copies of relevant judgment of conviction, any available and relevant transcripts, and any postconviction pleadings and decisions.)).

For these reasons, petitioner respectfully request that this Honorable Court not allow any further enlargements of time for the respondent to file his answer and that the answer respond to each and every allegation of the Petitioner's Writ of Habeas Corpus.

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CHARLES RAMPINO PRO SE

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2004, I served a true copy of the above motion on the Respondent's Counsel, DAVID LIEBER, at ONE ASHBURTON PLACE, BOSTON, MA 02108, by pre-paid first class mail.



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CHARLES RAMPINO